

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 21, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SUP-18314 - APPLICANT: T-MOBILE USA, INC - OWNER: INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL

THIS ITEM WAS HELD IN ABEYANCE FROM THE MARCH 7, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BROWN.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-1/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning Z-20-98 and Site Development Plan Review Z-20-98(1) if approved.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-18312) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the structure on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. The communications monopole and its associated equipment and facility shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the communications monopole and its associated equipment and facility.
5. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
7. The Use Permit reduced to 60-foot height, wireless communications facility.
8. The facility shall be in the location of the northwest light standard in the existing parking facility with lights being at the vertical height equal to those of the existing lights and shielded.

Public Works

9. The proposed wireless communications tower shall not be located within the public right-of-way or interfere with Site Visibility Restriction Zones. The tower base shall not be located within existing or proposed public sewer or drainage easements.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit to allow a Wireless Communications Facility, Stealth design on 1.75 acres adjacent to the south side of Alexander Road, approximately 650 feet east of Cimarron Road. The applicant seeks to install an 80-foot tall antenna outfitted with a “street-light” stealth design adjacent to the western edge of the existing church parking lot on the vacant portion of the western parcel 138-09-501-003.

A companion Variance has been filed as the antenna does not meet the minimum residential adjacency of 184 feet from the rear property line where 240 feet is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/15/95	The City Council approved a General Plan Amendment (GPA-41-95) from L (Low Density Residential) and ML (Medium-Low Density Residential) to PF (Public Facility). The application expired.
11/15/95	The City Council approved a Rezoning (Z-74-95) from N-U (Non-Urban) to C-V (Civic) This application expired November 15, 1996.
5/26/98	The City Council approved a General Plan Amendment (GPA-8-98) from L (Low Density Residential) to PF (Public Facility). Planning Commission and Staff recommended approval.
5/26/98	The City Council approved the request for a Rezoning (Z-20-98) on property located on the south side of Alexander Road, approximately 680 feet east of Cimarron Road from U (Undeveloped) Zone. Planning Commission and Staff recommended approval. Planning Commission and Staff recommended approval.
01/11/07	The Planning Commission recommended approval of companion item VAR-18312 concurrently with this application. The Planning Commission voted 6-1/sd to recommend APPROVAL (PC Agenda Item #29/mh).
<i>Related Building Permits/Business Licenses</i>	
NA	NA
<i>Pre-Application Meeting</i>	
11/06/06	Staff explained the requirements for this application as a Special Use Permit is required in addition to a Variance from Title 19.08 residential adjacency standards.
<i>Neighborhood Meeting</i>	
NA	A neighborhood meeting was not held nor was one required.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.75 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Church Parking Lot	P-F (Public Facilities)	C-V (Civic) Zone
North	Single Family Dwellings	L (Low Density)	R-1 (Single Family Residential) Zone
South	Single Family Dwellings	ML (Low Density)	R-CL (Residential-Compact Lot) Zone
East	Single Family Dwellings	L (Low Density)	R-PD5 (Residential-Planned Development, 5 Units per Acre) Zone
West	Single Family Dwellings	L (Low Density)	R-PD5 (Residential-Planned Development, 5 Units per Acre) Zone

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
C-V Civic District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

C-V Civic District:

The existing parking lot and neighboring church are in compliance with the acceptable uses for the C-V Civic Zoned District. A wireless communications facility, stealth design, is a permitted use upon meeting the minimum conditions as listed by Title 19.04. Since this proposal does not meet the conditions for the residential adjacency setback, a Variance and Special Use Permit have been filed.

Trails:

A Multi-use Transportation Trail aligned with Alexander Road runs adjacent to the northern perimeter of the subject property. A wireless communications facility, stealth design will have little anticipated affect on the existing trail alignment.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.060, the following standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	240 Feet	184 feet	N*
Adjacent development matching setback	10 Feet	184 feet	Y

* A companion Variance (VAR-18312) has been filed due to the residential adjacency standard not being met.

ANALYSIS

- **General**

The proposed stealth antenna is located on the southwest portion of the subject C-V zoned parcel. It is a “street lamp” design with a total height of 80 feet. Title 19.08.060 states that a Wireless Communication Facility, Stealth Design, be separated from residential uses by the proximity slope of 3:1. This requires the proposed 80-foot antennae to be located 240 feet from the adjoining R-1 (Single Family Residence) property. The submitted site plan indicates that a setback of a minimum 184 feet is provided. This use is not compatible with the C-V and R-1 developments in the surrounding area; therefore, denial is recommended.

The parking lot lighting is shown on the provided elevations to be at 40 feet in height. Although the lighting appears to utilize downward-directed lights, the height of the light poles exceeds the 30-foot height limitation and is double the 20-foot height recommendation as established in Title 19.08.050(E)5e. Parking lot lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

- **Use**

The existing church is a permitted use in the C-V zoning district. The cell tower is a permitted use upon either an administrative approval or approval of a Special Use Permit. Because of the adjacent residential development and non-compliance with the residential adjacency standards, this proposed tower location was deemed to be unsuitable for an administrative approval, and the applicant was directed to file a Special Use Permit application and a Variance application related to residential adjacency.

- **Conditions**

Per Title 19.04.040 Conditional Uses, the following conditions must be met for the administrative approval of a Wireless Communication Facility, Stealth Design [all districts]:

(1) The applicant must submit to the Department, for administrative review and approval, a site plan and an elevation drawing. The Director shall review the documents to determine if the proposed facility conforms to the conditions listed below for this use. If the Director, in his discretion:

(a) Approves the proposed facility to proceed as a conditional use, the Director shall provide written notice of approval to the applicant, with a copy to the office of the City Council. Within ten days after the notice is mailed or delivered, the applicant may proceed to apply for building permits, unless a member of the City Council files with the Director a written request for the Council to review the approval. If such request to review is filed, the application must first be reviewed and approved by the Council.

(b) Determines that the proposed facility does not conform to the conditions listed below, a Special Use Permit will be required for the use. Any determination by the Director that a Special Use Permit will be required is not subject to appeal.

(2) No residential use may exist on the property.

(3) The design must conform to the definition of the term “Wireless Communication Facility, Stealth Design,” as set forth in Section 19.20.020 and as determined by the Director.

(4) Within an area designated as a Historic Preservation District, the proposed facility must first be reviewed by the Historic Preservation Commission before the Director considers granting approval as a conditional use.

(5) The design and location of the proposed facility must be deemed by the Director to be compatible with surrounding uses, and the facility must include appropriate screening and landscaping to ensure such compatibility.

(6) The frequencies used by the communication provider shall be in conformance with Federal Communications Commission standards, as certified by a competent professional (such as a radio frequency engineer).

Because the applicant has not satisfactorily met condition 1b, a Special Use Permit and companion Variance has been requested.

FINDINGS

The following findings must be made for a Special Use Permit:

- 1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**
- 2. “The subject site is physically suitable for the type and intensity of land use proposed.”**
- 3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**
- 4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**
- 5. The use meets all of the applicable conditions per Title 19.04.**

In regard to “1”:

Although the proposed tower is a “stealth-designed” light pole, the 80-foot height greatly hinders its compatibility with the adjacent existing residential development. In addition, the 40-foot parking lot light pole heights do not comply with the 30-foot maximum light pole height as listed in Title 19.08.050

In regard to “2”:

The site is developed as a church and parking lot with remaining undeveloped area. Although the antenna and associated equipment is located on the vacant portion of the site and is suitable for the placement of a wireless communication facility the proposal, as shown, does not meet the 3:1 residential adjacency standards. Therefore, denial is recommended.

In regard to “3”:

This requirement is not applicable because the wireless communication tower will not attract additional traffic to the site.

In regard to “4”:

The proposed use will not compromise the public health, safety, and welfare because the use will be constructed in compliance with applicable building codes.

In regard to “5”:

The proposed use does not meet all of the applicable conditions as listed in Title 19.04.

PLANNING COMMISSION ACTION

Conditions 7 and 8 were added by the Planning Commission.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 500 by City Clerk

APPROVALS 0

PROTESTS 21